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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/298,515	04/23/99	NONAKA C	SONY-P9488

WM02/0321

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EXAMINER	
TRAN, T	
ART UNIT	**PAPER NUMBER**
2651	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)	
	09/298,515	NONAKA ET AL.	
	Examiner	Art Unit	
	Thang Tran	2651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)
16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
18) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
19) ☐ Notice of Informal Patent Application (PTO-152)
20) ☐ Other: .

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jesionowski et al (US 5,715,424) in view of Kanno et al. (US 5,844,883)

Jesionowski et al., according Figs. 1-3 and column 1, lines 44-53, shows an optical system for writing data on tracks of a disk, wherein the system performs to write data block on a first track and access to a second track adjacent to the first track after the write of the data block on the first track and then to write another data block on the second track (see column 1, lines 44-53) as recited in claim 1 and 5. However, Jesionowski et al. fails to teach or suggest that the first and second tracks of the disk has a common address as further recited therein. Kanno et al, according to Figs. 13, 14 and 16, teaches the use of an optical disc having pair of tracks (T0, T1) adjacent to each other and a common address is shared by the pair of tracks (T0, T1) so that the track being used can be discriminated as whether odd-numbered track or even-numbered track and tracking servo

control can be operated by any specific method. It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the disk of Jesionowski et al with the disk as taught by Kanno et al so as the track being used can be discriminated as whether odd-numbered track or even-numbered track and tracking servo control can be operated by any specific method. For limitations in claims 2, 3, 7, 8, see Figs. 12, 13 and 16 of Kanno et al. For limitations in claims 4, 6, and 9, see Figs.1-3 of Jesionowski et al.

3. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honjo (US 5,432,769) or Sakuma (US 5,634,031) in view of Kanno et al. (US 5,844,883).

Honjo, according to Figs. 1-3, shows an apparatus for intermittently recording or reproducing variable length data comprising: a memory (2) for storing an input data inherently at a first rate; memory controlling means (3, 14) for detecting data amount stored in the memory has exceeded a first predetermined value and reading out data therefrom inherently at a second rate higher than first rate and stopping readout data from the memory when the detected data amount has reached a second predetermined value smaller than the first predetermined value (see column 2, lines 38-65); a writing means (6) for writing data read out from the memory; and movement controlling means (3,5) for moving the writing means to next track during the read out from the memory is being stopped (see column 2, line 61 to column 3, line 52); and writing means controlling means (3,4) for stopping writing from writing during the read out from the memory is being stopped (see column 1, lines 56-63). Honjo, according to Figs. 4-5, also teaches a reproduction system which comprising:

means (8) for reading out data from the disk; a memory (11) for storing the read out data inherently at a first rate; memory controlling means (12,15) for detecting data amount stored in the memory has exceeded a first predetermined value and reading out data therefrom inherently at a second rate higher than first rate and stopping store data into the memory when the detected data amount has reached a second predetermined value larger than the first predetermined value (see column 4, lines 7-22); and movement controlling means (12, 9) for moving the reading means to next track during the storage data into the memory is being stopped (see column 4, lines 23-68). Sakuma, according to Figs. 1-10, also teaches all the features above (see respective disclosure of Figs. 1, 3-6 and 9-10 for details). However, neither Honjo nor Sakuma teaches the use of a disk having a pair of tracks sharing a common address as further recited in claims 10, 13, 16 and 17. Kanno et al, according to Figs. 13, 14 and 16, teaches the use of an optical disc having pair of tracks (T0, T1) adjacent to each other and a common address is shared by the pair of tracks (T0, T1) so that the track being used can be discriminated as whether odd-numbered track or even-numbered track and tracking servo control can be operated by any specific method. It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the disk of Honjo or Sakuma with the disk as taught by Kanno et al so as the track being used can be discriminated as whether odd-numbered track or even-numbered track and tracking servo control can be operated by any specific method. For limitations in claims 2, 3, 7, 8, 11, 12, 15, and 15 see Figs. 12, 13 and 16 of Kanno et al. For limitations in claims 4, 6, and 9, see Fig. 1 Honjo or Sakuma.

Cited References

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references related an optical disk having pair of tracks sharing a common address or a recording device for recording data on a disk out of sequence.

5. Any inquiry concerning this communication should be directed to Tran, Thang at telephone number (703) 308-1551.

THANG V. TRAN
PRIMARY EXAMINER